

AMENDMENT TO H.R. 4680, AS REPORTED

Amend subparagraph (B) of section 1860B(f)(1) of the Social Security Act, as inserted by section 101(a)(2) of the bill, to read as follows:

1 “(B) a biological product described in
2 clauses (i) through (iii) of subparagraph (B) of
3 such section or insulin described in subpara-
4 graph (C) of such section;

In section 1860B(f)(2)(A) of the Social Security Act, as inserted by section 101(a)(2) of the bill, insert before the period at the end the following: “and except to the extent otherwise specifically provided by the Medicare Benefits Administrator with respect to a drug in any of such classes”.

In section 1860G(b)(2)(B) of the Social Security Act, as inserted by section 101(a)(2) of the bill, strike “1851(j)(4)(A)(iii)” and “1851(j)(4)(B)” and insert “1851(j)(5)(A)(iii)” and “1851(j)(5)(B)”, respectively.

In section 1935(e)(3)(B)(ii) of the Social Security Act, as inserted by section 103(d)(1)(C) of the bill, strike “1860(b)(5)” and inserting “1860B(b)(5)”.

In section 105(a) of the bill, add at the end the following: “In no case may the number of participants in the project exceed 30,000 at any time.”.

Redesignate section 105 as section 106 and insert after section 104 the following new section (and conform the table of contents accordingly):

1 **SEC. 105. STATE PHARMACEUTICAL ASSISTANCE TRANSI-**
2 **TION COMMISSION.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—There is established as of
5 October 1, 2000, a State Pharmaceutical Assistance
6 Transition Commission (in this section referred to as
7 the “Commission”) to develop a proposal for ad-
8 dressing the unique transitional issues facing State
9 pharmaceutical assistance programs, and program
10 participants, due to the implementation of the medi-
11 care prescription drug program under part D of title
12 XVIII of the Social Security Act.

13 (2) DEFINITIONS.—For purposes of this sec-
14 tion:

15 (A) STATE PHARMACEUTICAL ASSISTANCE
16 PROGRAM DEFINED.—The term “State pharma-
17 ceutical assistance program” means a program
18 (other than the medicaid program) operated by
19 a State (or under contract with a State) that

1 provides as of the date of the enactment of this
2 Act assistance to low-income medicare bene-
3 ficiaries for the purchase of prescription drugs.

4 (B) PROGRAM PARTICIPANT.—The term “pro-
5 gram participant” means a low-income medicare
6 beneficiary who is a participant in a State pharma-
7 ceutical assistance program.

8 (b) COMPOSITION.—The Commission shall consist of
9 the following:

10 (1) A representative of each governor of each
11 State that the Secretary identifies as operating on a
12 statewide basis a State pharmaceutical assistance
13 program that provides for eligibility and benefits
14 that are comparable or more generous than the low-
15 income assistance eligibility and benefits offered
16 under part D of title XVIII of the Social Security
17 Act.

18 (2) Representatives from other States that the
19 Secretary identifies have in operation other State
20 pharmaceutical assistance programs, as appointed by
21 the Secretary.

22 (3) Representatives of organizations that rep-
23 resent the interests of program participants, as ap-
24 pointed by the Secretary but not to exceed the num-

1 ber of representatives under under paragraphs (1)
2 and (2).

3 (4) The Secretary (or the Secretary's designee).
4 The Secretary shall designate a member to serve as chair
5 of the Commission and the Commission shall meet at the
6 call of the chair.

7 (c) DEVELOPMENT OF PROPOSAL.—The Commission
8 shall develop the proposal described in subsection (a) in
9 a manner consistent with the following principles:

10 (1) Protection of the interests of program par-
11 ticipants in a manner that is the least disruptive to
12 such participants.

13 (2) Protection of the financial interests of
14 States so that States are not financially worse off as
15 a result of the enactment of this title.

16 (d) REPORT.—By not later than July 1, 2001, the
17 Commission shall submit to the President and the Con-
18 gress a report that contains a detailed proposal (including
19 specific legislative or administrative recommendations, if
20 any) and such other recommendations as the Commission
21 deems appropriate.

22 (e) SUPPORT.—The Secretary shall provide the Com-
23 mission with the administrative support services necessary
24 for the Commission to carry out its responsibilities under
25 this section.

1 (f) TERMINATION.—The Commission shall terminate
2 30 days after the date of submission of the report under
3 subsection (d).

Add at the end of subtitle C of title II the following
new section (and conform the table of contents accord-
ingly):

4 **SEC. 225. EFFECTIVE DATE OF SUBTITLE.**

5 In no case shall the amendments made by this sub-
6 title apply before October 1, 2000.

Add at the end of subtitle A of title III the following
new section (and conform the table of contents accord-
ingly):

7 **SEC. 308. DELAY FROM JULY TO OCTOBER, 2000 IN DEAD-**
8 **LINE FOR OFFERING AND WITHDRAWING**
9 **MEDICARE+CHOICE PLANS FOR 2001.**

10 Notwithstanding any other provision of law, the dead-
11 line for a Medicare+ Choice organization to withdraw the
12 offering of a Medicare+ Choice plan under part C of title
13 XVIII of the Social Security Act (or otherwise to submit
14 information required for the offering of such a plan) for
15 2001 is delayed from July 1, 2000, to October 1, 2000,
16 and any such organization that provided notice of with-
17 drawal of such a plan during 2000 before the date of the
18 enactment of this Act may rescind such withdrawal at any
19 time before October 1, 2000.